

REMARKS

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Status of Application

Claims 1-38 are pending in this application. Claims 1, 12, 27, 31, and 37 are the independent claims. Claims 31-38 were previously withdrawn from consideration as being drawn to a non-elected invention.

No claims have been amended.

Applicants note that the Office Action Summary indicates that only claims 1-30 are pending in the present Application. However, Applicants respectfully submit that claims 31-38, while withdrawn, have not been cancelled. Accordingly, an indication confirming the pending/withdrawn status of claims 31-38 is respectfully requested.

Claims 1-30 stand rejected under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 5,470,627 (Lee et al.) in view of U.S. Patent No. 6,165,391 (Vedamuttu). This rejection is respectfully traversed.

Traversal of rejection under 35 U.S.C. § 102

Summary of Argument

Independent claims 1, 12, and 27 recite a substrate having either micro-embossments or first protrusions. Claims 1, 12, and 27 also recite that the substrate is below at least one other layer of the optical disk. In contrast, the secondary citation to Vedamuttu teaches embossing the outermost surface of an optical disk. Thus, the asserted combination does not teach or suggest at least one feature of independent claims 1, 12, and 27.

Traversal

Independent claims 1, 12, and 27 respectively recite, inter alia,

a substrate ... micro-embossments ... and a reflective layer formed the micro-embossments of the substrate ... (claim 1);
a substrate having a first surface ... with first protrusions extending

from the first surface ... and covered by a protective layer (claim 12); and

a substrate covered by a protective layer ... having a first surface ... and first protrusions extending from the first surface ... (claim 27).

Applicants also respectfully submit that neither Lee et al. nor Vedamuttu, either alone or in combination (assuming arguendo that these citations may properly be combined), teaches or suggests at least the aforementioned features of independent claims 1, 12, and 27.

The Office concedes that Lee et al. does not teach or suggest micro-embossments protruding from the substrate. Thus, although silent as to the specific features recited in the other claims, for example, independent claims 12 and 27, it is assumed that the Office also concedes that Lee et al. does not teach or suggest the first protrusions of claims 12 and 27.

Nonetheless, the Office contends that Vedamuttu teaches these features. Specifically, it is asserted that Vedamuttu's teaching of embossing the "surface" of an optical disc is the same as embossing a substrate, as that term is used in independent claims 1, 12, and 27. This contention is respectfully traversed.

Applicants do not dispute the Office's contention that Vedamuttu teaches embossing the "surface" of a optical disc. Indeed, Vedamuttu expressly states that a pattern is embossed on the lacquered surface 13 of the disc 10. (Vedamuttu, Col. 7, lines 56-58; FIG. 1). However, the "lacquered surface" embossed in Vedamuttu is not same as the substrate of independent claims 1, 12, and 27 because the surface embossed by Vedamuttu is the outermost layer of the disc. (See Vedamuttu, FIG. 1). In contrast, the substrate of claims 1, 12, and 27 is below at least one layer. Thus, Vedamuttu does not teach or suggest a substrate (as the term substrate is used in the claims) with micro-embossments (claim 1) or first protrusions (claims 12 and 27). In view of (1) the aforesaid difference in the teaching of Vedamuttu and independent claims 1, 12, and 27 and (2) the concession that Lee et al. does not teach or suggest a substrate with micro-embossments or protrusions (as the term substrate is used in the claims), it is respectfully submitted that the combination of Lee et al. and Vedamuttu does not teach or suggest all of the features of claims 1, 12, and 27.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 12, and 27 under 35 U.S.C. §103 are respectfully requested.

In view of the foregoing, Applicants respectfully submit that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicants believe that the present Request for Reconsideration is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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